

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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STEVEN KOZLOWSKI and  
MICHELLE KOZLOWSKI,  
  
Plaintiffs,  
  
v.  
  
THE STATE OF NEVADA, et al.,  
  
Defendants.

Case No. 3:14-cv-00218-MMD-WGC  
  
ORDER REGARDING REPORT  
AND RECOMMENDATION OF  
MAGISTRATE JUDGE  
WILLIAM G. COBB

Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb (dkt. no. 10) ("R&R") relating to Plaintiffs' amended complaint. Plaintiff had until September 11, 2014, to object to the Recommendation. Plaintiffs filed their objection on November 3, 2014 (dkt. no. 15).

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). In light of Plaintiffs' objection, the Court has engaged in a *de novo* review to determine whether to adopt Magistrate Judge Cobb's R&R.


1 The Magistrate Judge recommended dismissing this action with  
2 prejudice because Plaintiffs' allegations fail to state any plausible claim for  
3 relief. Plaintiffs request that dismissal be without prejudice. The Court  
4 agrees with the Magistrate Judge that the amended complaint fails to state  
5 a claim. However, in light of Plaintiff's pro se status, the Court finds that  
6 dismissal should be without prejudice even though Plaintiffs had been given  
7 an opportunity to amend. The Court therefore adopts the Magistrate  
8 Judge's Recommendation in part.

9 It is therefore ordered, adjudged and decreed that the Report and  
10 Recommendation of Magistrate Judge William G. Cobb (dkt. no. 10) be  
11 accepted and adopted in part.

12 It is ordered that Plaintiffs' Amended Complaint (dkt. no. 8) is  
13 dismissed without prejudice.

14 It is further ordered that Plaintiffs' Motion for Service of Summons by  
15 United States Marshal (dkt. no. 9) is denied as moot.

16 DATED THIS 8<sup>th</sup> day of December 2014.

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19 MIRANDA M. DU  
20 UNITED STATES DISTRICT JUDGE  
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